

Before the  
**FEDERAL COMMUNICATIONS COMMISSION**  
Washington, D.C. 20554

In the Matter of )  
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**ELIMINATION OF MAIN STUDIO RULE** ) MB Docket No. 17-106  
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To: The Secretary  
Attn: The Commission

**COMMENTS OF SAGA COMMUNICATIONS, INC.**

Saga Communications, Inc. (“Saga”),<sup>1</sup> hereby submits its Comments on the Commission’s Notice of Proposed Rulemaking (herein, “NPRM”), FCC 17-59, released May 18, 2017, *Elimination of Main Studio Rule*.<sup>2</sup>

As set forth below, Saga supports the complete elimination of the main studio rule (Title 47 CFR Section 73.1215, referred to herein as the “Rule”).<sup>3</sup> While it once served a useful purpose, the rule is now an anachronism, requires unnecessary expenditure of scarce assets to achieve no public interest benefit, and should be repealed. In its NPRM, the Commission has proposed to eliminate the rule requiring each AM, FM, and television broadcast station to

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<sup>1</sup> Saga is a broadcasting company whose business is devoted to acquiring, developing and operating broadcast properties. The company owns or operates broadcast properties in 26 markets, including 68 FM and 32 AM radio stations, 4 television stations and 5 low-power television stations.

<sup>2</sup> Pursuant to 82 FR 25590, published June 2, 2017, comments are due by July 3, 2017.

<sup>3</sup> The current Rule provides, in pertinent part, that "each AM, FM, and TV broadcast station shall maintain a main studio" at a location complying with paragraphs (a)(1) - (a)(3) of that section. Moreover, the Commission has long held that a station must, at a minimum, maintain fulltime managerial and full-time staff personnel at its main studio. The acceptable locations of a main studio are: (1) within the station's community of license; (2) at any location within the principal community contour of any AM, FM, or TV broadcast station licensed to the station's community of license; or (3) within 25 miles from the reference coordinates of the center of the station's community of license.



maintain a local main studio along with the associated staffing and program origination capability requirements.

Back in 1988, the Commission said, “The main studio rule was based in part on the premise that a studio's location in the community would foster responsive community-based programming. The program origination rule was adopted to complement the main studio requirement. It was premised on the notion that if a significant amount of programming originated in studios located within a community, this would result in locally-oriented programming.” See *Main Studio and Program Origination Rules for Radio and Television and Television Broadcast Stations*, footnote 27, 3 FCC Rcd 5028 (1988) (emphasis added). The Commission’s “premise” and “notion” did not result in community-based programming. It merely added a layer of unwarranted regulation. The Rule simply no longer makes sense in today’s marketplace environment.

The NPRM grows out of what is readily apparent to the most casual observer: that “technological innovations have rendered a local studio unnecessary as a means for viewers and listeners to communicate with or access their local stations and to carry out the other traditional functions that they have served.”<sup>4</sup> The Commission seeks comment on its observation that “a local main studio with staffing sufficient to accommodate visits from community members no longer will be justified once broadcasters fully transition to online public inspection files.” The fact is that there is little evidence that main studios are visited by community members, at least, sufficiently frequent to justify their maintenance. Saga’s experience with 100 radio stations in many diverse radio markets is that it is rare that stations’ public inspection files are ever reviewed by members of the public. And the fact is, that there is absolutely nothing else

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<sup>4</sup> NPRM, ¶6.



members of the public can do at a radio or television station without an appointment to transact business. They cannot, simply by asking, broadcast anything. Moreover, in this age of terrorism, unrestricted access to radio and television stations by uninvited members of the public is not only ill-advised, it is dangerous.<sup>5</sup>

The NPRM also seeks comment on the costs that AM, FM, and television broadcast stations face in complying with the current Rule and associated requirements. For small stations, costs can be significant. Eliminating the Rule, as well as the associated staffing and program origination capability requirements would enable broadcasters to allocate greater resources to programming and other matters. Eliminating the rule would make it more efficient for co-owned or jointly operated broadcast stations to co-locate their offices, rather than to operate a main studio in or near each station's community of license. Saga faces this very situation. In a cluster of five radio stations in one of the markets it serves, Saga must maintain and staff a separate main studio for one of the stations because the main studio complex serving the 4 other stations is approximately 4 miles too distant to serve as a main studio for the subject station. Although the subject station main studio has program origination capability, no programming is broadcast from that studio. The studio is maintained only to comply with the Rule.

Saga's experience is that stations rarely receive in-person visits from members of the community for the purpose of requesting access to hard copy public inspection files. Listeners and advertising clients regularly contact stations by telephone, by mail, or online, rather than

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<sup>5</sup> Yet, that is what is required. Section 73.33526 (c) of the Rules provides in pertinent part: "*Access to material in the file.* (1) The file shall be available for public inspection at any time during regular business hours.... Material in the public inspection file shall be made available for printing or machine reproduction upon request made in person."



through in-person visits. Technological advances, including widespread access to the internet, mobile telephones, email, and social media, obviate the need to accommodate in-person visits from community members. Competitive market conditions will ensure that stations will continue to keep apprised of significant local needs and issues. Broadcasters know that having a strong local presence is key to the success of their stations, but licensees should be free to implement that presence according to the licensee's business needs and practices. Eliminating the Rule would not impact a station's ability to communicate time-sensitive or emergency information to the public once the rule is eliminated since in-person interaction with the station is unnecessary where telephone and internet can be deployed more efficiently.

The current Rule and related requirements are not necessary to implement Title 47 USC Section 307(b) since there is no requirement to originate any programs from the main studio. Programs designed to meet the needs and interests of the community of license can be produced anywhere. There are simply no longer any benefits of the main studio requirements and the associated staffing requirements.

The Rule was adopted before there was widespread internet service and before widely-adopted computerized programming. In today's broadcasting world, few stations produce more than a few local programs per week, and those are produced and broadcast to satisfy the Commission's requirements to compile quarterly "issues/programs" lists. Many stations featuring a news or talk format obtain a large percentage of their programs by satellite or internet delivery. Many other stations broadcasting a music format obtain their programming from services that allow the operator to broadcast programming without any human intervention (except to program the computer on which the music is stored for broadcast). As a result, the program origination capability requirement that currently applies to main studios is irrelevant and

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obsolete. Program origination directed to meet the needs and interests of the local community, if merited by listener demand, will very likely occur notwithstanding federal requirements, as stations seek to continue to meet viewers' and listeners' interests.

The Commission's proposal to retain section 73.1125(e) of the rules, which requires "[e]ach AM, FM, TV and Class A TV broadcast station [to] maintain a local telephone number in its community of license or a toll-free number," is reasonable as listeners may have a need to contact the licensee of the station by telephone. If the Commission eliminates the Rule, it should encourage stations to publicize their phone numbers in additional ways, such as on their websites. In fact, virtually every station does so now without government mandate. The idea that the Commission should require the telephone number to be staffed during normal business hours so that community members may seek assistance during that time is anachronistic and unnecessary as stations can receive and route calls using auto-attended telephone systems. There is no need to continue to mandate a person to sit and stare at a telephone that may (or may not) ring. A staffed telephone number requirement is unnecessary so long as station staff regularly retrieves and responds promptly to voicemail messages from the public left at that telephone number.

The NPRM seeks comment "on how we should ensure that community members have access to a station's public file." If all or a portion of a station's public inspection file is not available via the online public file, the file should be available at a designated site in the community of license, as is permitted for applicants for a new radio or television construction permit.<sup>6</sup> The location of the public file could be disclosed on the station's website. Once the file

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<sup>6</sup> See Section 73.3526(b) ("An applicant for a new station or change of community shall maintain its file at an accessible place in the proposed community of license or at its proposed main studio.")

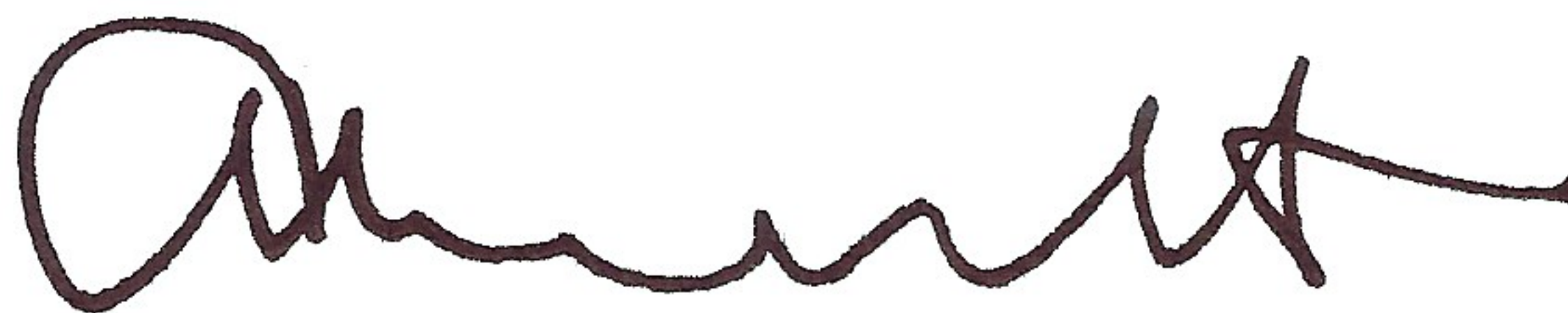


is posted to the FCC's website, this requirement would no longer apply.

In light of the above, Saga respectfully requests the Commission to repeal the Main Studio Rule for any radio or television station.

Respectfully submitted,

**SAGA COMMUNICATIONS, INC.**

A handwritten signature in dark ink, appearing to read "Smithwick", written over a horizontal line.

Gary S. Smithwick

Its Attorney

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